

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNUM LIFE INSURANCE COMPANY  
OF AMERICA,

Plaintiff,

Case No. 2:09-cv-10424

v.

HON. PATRICK J. DUGGAN

JANIS L. JAGIELKY, BRIAN D. ORR,  
and JESSICA ORR,

Magistrate Judge: Donald A. Scheer

Defendants.

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**FINAL JUDGMENT**

**WHEREAS,**

1. Plaintiff Unum Life Insurance Company of America ("Unum") filed a Complaint for Interpleader of \$34,000 against Defendants Janis L. Jagielky, Brian D. Orr, and Jessica Orr regarding distribution of accidental death and dismemberment insurance benefits payable under Policy No. GSR 19637 (the "AD&D Policy") based upon the death of James K. Orr;
2. The AD&D Policy is a group policy issued to Allegis Group for the benefit of its employees, including James K. Orr;

3. The AD&D Policy is governed as a welfare benefit plan by the Employee Retirement Income Security Act of 1974 (“ERISA”), 29 U.S.C. §§ 1001 et seq;
4. Unum is the claim fiduciary for the AD&D Policy under ERISA;
5. Under the terms of the AD&D Policy and ERISA, Unum must pay the benefits of the AD&D Policy to the properly designated beneficiary, *Kennedy v. DuPont Savings and Investment Plan*, 129 S.Ct. 865 (2009);
6. The beneficiary of the AD&D Policy properly designated by James K. Orr on forms submitted to Unum is Janis Jagielky;
7. Although properly served with the Complaint for Interpleader, neither Brian D. Orr nor Jessica Orr have filed answers or otherwise pleaded in response to the Complaint for Interpleader;
8. Jessica Orr has provided Unum with an executed Waiver of benefits under the AD&D Policy;
9. It would be appropriate to enter a default judgment against Brian D. Orr and Jessica Orr extinguishing all claims of either Brian D. Orr or Jessica Orr to insurance benefits payable under the AD&D Policy;
10. Defendant Janis Jagielky has filed a Counterclaim against Unum seeking payment of the AD&D Policy benefits in accordance with ERISA and the terms of the AD&D Policy;
11. Defendant Janis Jagielky is entitled to the AD&D Policy benefits in accordance with ERISA and the terms of the AD&D Policy;
12. Unum and Janis Jagielky, through counsel, consent to entry of this Judgment.

**IT IS HEREBY ORDERED AND ADJUDGED THAT:**

1. Judgment is entered by default against Brian D. Orr and Jessica Orr, extinguishing all claims of either Brian D. Orr or Jessica Orr to insurance benefits payable under the AD&D Policy based upon the death of James K. Orr;
2. Unum shall promptly distribute the \$34,000 AD&D Policy benefits to Janis Jagielky in accordance with the terms of the AD&D Policy and ERISA;
3. Upon distribution of the \$34,000 AD&D Policy benefits to Janis Jagielky, Unum shall be fully and finally discharged from any and all liability for payment of any insurance benefits due under the AD&D Policy based on the death of James K. Orr; and
4. All other claims pertaining to the AD&D Policy benefits that were brought or could have been brought in this action by any party, including the counterclaim filed by Janis Jagielky, are hereby dismissed with prejudice and without costs assessed against any party.

Dated: Sept. 10, 2009

By s/Patrick J. Duggan  
HON. PATRICK J. DUGGAN

Plaintiff Unum and Defendant Janis Jagielky consent to entry of this Judgment:

s/D. Andrew Portinga

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